

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**FRANCISCO E PEDRO
722 – 18TH ST
SIOUX CITY IA 51104**

**JOHN MORRELL & COMPANY
ATTN STEVE JOYCE
PO BOX 2430
SIOUX CITY IA 51106**

**Appeal Number: 05A-UI-04983-CT
OC: 04/03/05 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Francisco Pedro filed an appeal from a representative's decision dated April 22, 2005, reference 02, which denied benefits based on his separation from John Morrell & Company (Morrell). After due notice was issued, a hearing was held by telephone on June 3, 2005. Mr. Pedro participated personally. The employer participated by Steve Joyce, Human Resources Director. Rosie Paramo Ricoy participated as the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Pedro began working for Morrell on September 29, 1997

and quit on March 3, 2005. He was a full-time production worker. He quit because he was having problems with his feet and could not stand for long periods of time. He had not notified the employer that he was experiencing any problems with his feet. He had sustained an injury to his arm in 2000 but was released to return to work. Mr. Pedro had seen the company nurse regarding arm problems but never advised the nurse that he was experiencing any difficulty with his feet or legs.

Mr. Pedro was aware that Steve Joyce in human resources is bilingual as the two have conversed in Mr. Pedro's native language. Mr. Pedro did not attempt to speak with Mr. Joyce concerning any problems he was having at work. He did not seek any accommodation before quitting. Continued work would have been available if Mr. Pedro had not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Pedro was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Pedro quit because he was experiencing medical problems with his feet and legs. However, he had not put the employer on notice that the work was causing or aggravating any problem with his feet or legs. He could have made the company nurse aware of his problems but did not. He also could have spoken with Mr. Joyce but did not talk to him to see if his condition could be accommodated.

Mr. Pedro did not give Morrell a reasonable opportunity to accommodate any medical limitations or problems he was experiencing as a result of his work. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Because he did not give the employer an opportunity to make changes that would have eliminated the need to quit, his separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated April 22, 2005, reference 02, is hereby affirmed. Mr. Pedro voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/sc